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ATTORNEY FOR PLAINTIFFS  
WILLIAM P BENINCASA and BARBARA  
BENINCASA

Filed and Attested by  
**PROTHONOTARY**  
11 FEB 2014 06:16 pm  
J. MURPHY

AN ASSESSMENT OF DAMAGES  
HEARING X IS        IS NOT  
REQUIRED

## **NON JURY**

WILLIAM P. BENINCASA and his  
wife BARBARA BENINCASA  
individually and as husband and wife  
311 Overhill Road  
Philadelphia, PA 19116

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS

V.

QUEST DIAGNOSTICS  
INCORPORATED  
3 Giralta Farms  
Madison, NJ 07940

: No.  
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**JURY TRIAL WAIVED**  
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**MAJOR CASE**

**PLAINTIFFS CIVIL ACTION COMPLAINT**  
**PERSONAL INJURY OTHER 4Y**

## "NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL and INFORMATION SERVICE  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-1701

## "AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABajo PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASSOCIACION DE LICENCIADOS DE FILADELPHIA  
SERVICIO DE REFERENCIA E INFORMACIONES GLOBALES  
**Case II**  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Teléfono: (215) 238-1701"

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CION LEGAL

# **EXHIBIT "A"**

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**PLAINTIFFS CIVIL ACTION COMPLAINT**  
**PERSONAL INJURY OTHER 4Y**

1. Plaintiffs, William P. Benincasa and Barbara Benincasa, are husband and wife and reside at 311 Overhill Road, Philadelphia, PA 19116.

2. Defendant, Quest Diagnostics Incorporated (hereinafter referred to as "Quest") is a business corporation registered to do business in the Commonwealth of Pennsylvania, City of Philadelphia with its principal office and place of business at 3 Giralta Farms, Madison, NJ

07940. At all materials times aforesaid Defendant was a licensed medical/clinical service provider operating a facility at 2417 Welsh Road in the City of Philadelphia, Commonwealth of Pennsylvania.

3. At all material times, Plaintiff, William P. Benincasa was a patient of Defendant, Quest which administered blood draws and provided laboratory analysis for evaluation by his treating physician in connection with a blood disorder.

4. On March 24, 2012 Plaintiff, William P. Benincasa visited Defendant, Quest's medical office at 2417 Welsh Road, Philadelphia, PA 19114 for a routine blood draw by Defendant, Quest's duly authorized phlebotomist. While attempting to draw blood from Plaintiff's left and right arms without success, she punctured his left median nerve immediately causing sharp pain to his left shoulder and hand resulting in serious injuries to his left upper extremity and shoulder as more fully set forth herein.

5 The aforesaid accident and resulting injuries to Plaintiff, William P. Benincasa, were caused by the negligence and carelessness of Defendant, Quest acting through their agents, servants, and employees.

## COUNT I

### **WILLIAM P. BENINCASA V QUEST DIAGNOSTICS INCORPORATED**

6. Plaintiff, William P. Benincasa, incorporates by reference the allegations set forth in paragraphs 1 through 5 as though fully set forth herein.

7. As a result of the negligence and carelessness of Defendant, Quest, Plaintiff, William P. Benincasa sustained serious and permanent injuries to his left median nerve, hand, wrist, arm, and shoulder; contusions of his hand and wrist, adhesive capsulitis of his left shoulder, arthrosis and frozen shoulder syndrome resulting in loss of range of motion of his

shoulder, and shock to his nerves and nervous system and other injuries to his body. Plaintiff, William P. Benincasa was required to receive treatment consisting of injections, physical therapy for his left arm and shoulder, and also undergo surgical manipulation to release the adhesive capsulitis.

8. The aforesaid accident resulted solely from the negligence, carelessness, and recklessness of Defendant, Quest acting through their authorized agent, servant and employee who administered the blood draw which consisted of the following:

- a) Failing to properly train their servant/phlebotomist in the required standards and protocol for drawing blood;
- b) Failing to properly supervise and monitor their servant/phlebotomist during the blood draw procedure on the date of the injury;
- c) Failing to comply with the applicable standards and requirements of the National Phlebotomy Association for blood draws;
- d) Failing to follow standard safety procedures for administering blood draws;
- d) Exposing Plaintiff to an unreasonable risk of injury during the blood draw;
- e) Acting with reckless disregard for Plaintiff's safety while administering the blood draw;
- f) Conducting the vein puncture in a manner below the reasonable standard of care for licensed phlebotomists causing harm to Plaintiff ;
- g) Violating applicable standards and regulations of state and governmental agencies and regulatory bureaus governing blood draws.

9. As a further result of this accident, Plaintiff, William P. Benincasa , has required medical care and treatment for his injuries and had to undergo surgery for repair of arthrofibrosis of his shoulder, and will be obligated to continue medical care and treatment for his aforesaid injuries for an indefinite time in the future.

10. As a further result of this accident, Plaintiff, William P. Benincasa suffered a loss of normal range of motion following surgery and he has been unable to attend to his daily chores, duties, occupations, and may be unable to do so for an indefinite period of time in the future.

11. As a further result of this accident, Plaintiff, William P. Benincasa has and will in the future incur additional expenses for medical care and treatment directly related to the injuries he sustained in the aforesaid accident.

12. As a further result of this accident, Plaintiff, William P. Benincasa endured; severe physical pain, aches, fear, mental anguish, humiliation, inconveniences, and loss of life's pleasures, and will continue to suffer the same for an indefinite time in the future.

**WHEREFORE**, Plaintiff, William P. Benincasa demands judgment in his favor and against Defendant, Quest in an amount exceeding Fifty Thousand Dollars (\$50,000.00), including costs, delay damages pursuant to Pa. R.C.P. 238, and pre- and post- judgment interest, and any further relief as is just and appropriate.

## **COUNT II**

### **BARBBARA BENINCASA V. QUEST DIAGNOSTICS INCORPORATED**

13. Plaintiff, Barbara Benincasa, incorporates by reference the allegations set forth in paragraphs 1 through 12 as though fully set forth herein.

14. As a result of the aforesaid negligence and carelessness of Defendant, Plaintiff, Barbara Benincasa ,wife of Plaintiff, William P. Benincasa , has been deprived of the society, aid consortium and companionship of her husband to her great detriment and loss.

**WHEREFORE**, Plaintiff, Barbara Benincasa , demands judgment in her favor and against Defendant, Quest in an amount exceeding Fifty Thousand Dollars (\$50,000.00), costs, delay damages, and pre- and post- judgment interest, and any further relief as is just and appropriate.

s/

Clayton H. Thomas, Jr.  
Attorney for Plaintiffs, William P. Benincasa  
and Barbara Benincasa

**VERIFICATION**

We, William P. Benincasa and Barbara Benincasa, hereby state that we are the Plaintiffs in this action and verify that the statements made in this foregoing Civil Action Complaint are true and correct to the best of our information, knowledge and belief and understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

William P. Benincasa

William P Benincasa

Barbara Benincasa

Barbara Benincasa

DATE: January 17, 2014